

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT #FCU-10-14
O'HARA/REISWIG
JULY 20, 2010

A report to the Flathead County Board of Adjustment regarding a request by John and Joyce O'Hara and Bob and Kathy Reiswig for a conditional use permit to allow for a tavern in the North Fork Zoning District.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on August 3, 2010 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed land use is within the advisory jurisdiction of the North Fork Land Use Advisory Committee. The Committee met at a publicly noticed meeting on July 3, 2010 and reviewed the application. Following discussion and public comment the Committee unanimously approved a motion to recommend the Board of Adjustment approve the requested Conditional Use Permit to allow the Northern Lights Saloon and Cafe to operate as a 'tavern'. The Committee did not indicate any outstanding concerns and did not recommend any specific conditions of approval.

B. Board of Adjustment

The Flathead County Board of Adjustment will hold a public hearing regarding the proposed land use on August 3, 2010 at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building. This space is reserved for a summary of the Flathead County Board of Adjustment's discussion and decision at that hearing.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant

Joyce O'Hara
255 Polebridge Loop Road
Polebridge, MT 59928
(406) 888-5105

ii. Landowner(s)

John & Joyce O'Hara/ Bob & Kathy Reiswig
255 Polebridge Loop Road
Polebridge, MT 59928
(406) 888-5105

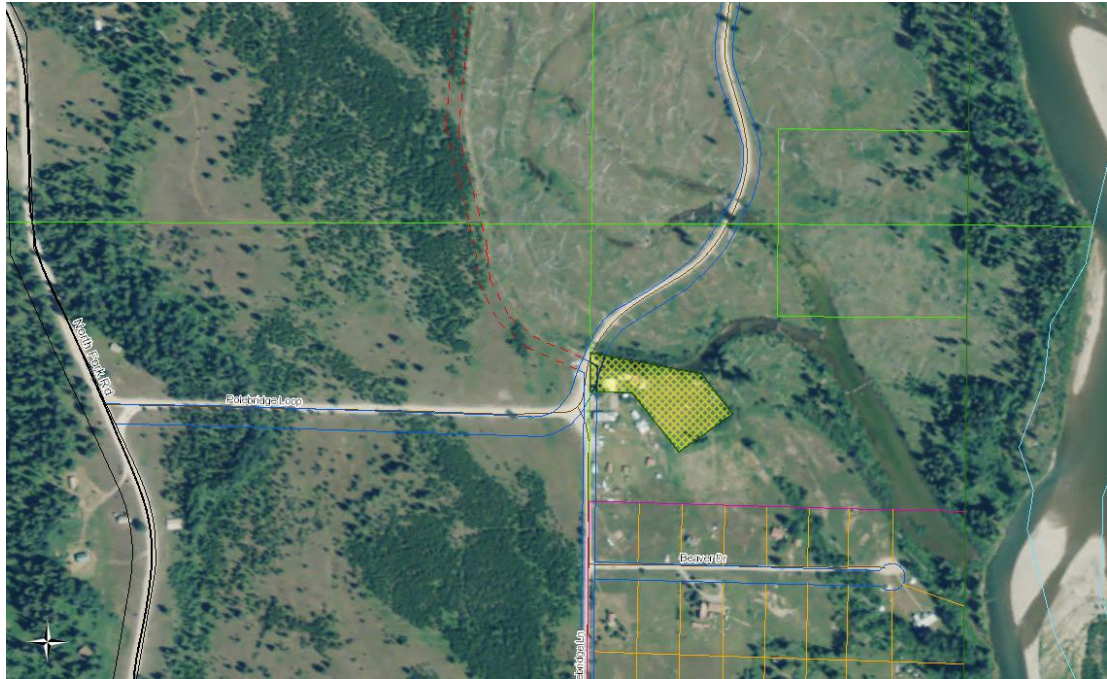
iii. Technical Assistance

(none provided)

B. Property Location and Size

The subject property is approximately 2 acres in size and is located along the east side of Polebridge Loop Road in Polebridge, approximately 30 miles north of Columbia Falls (see Figure 1 below). The property can be legally described as Assessor's Tract 3DAA located in Section 27, Township 35 North, Range 21 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property highlighted in yellow.



C. Existing Land Use(s) and Zoning

The subject property is currently developed with the Northern Lights Saloon and Cafe and a single family residence. The restaurant element of the establishment is presently in operation and is considered to be a ‘grandfathered’ use per Section 3.40.040(6) of the Flathead County Zoning Regulations (FCZR). The establishment has previously operated as a tavern, however, that use was legally discontinued for more than 180 days resulting in the loss of its ‘grandfathered’ status.

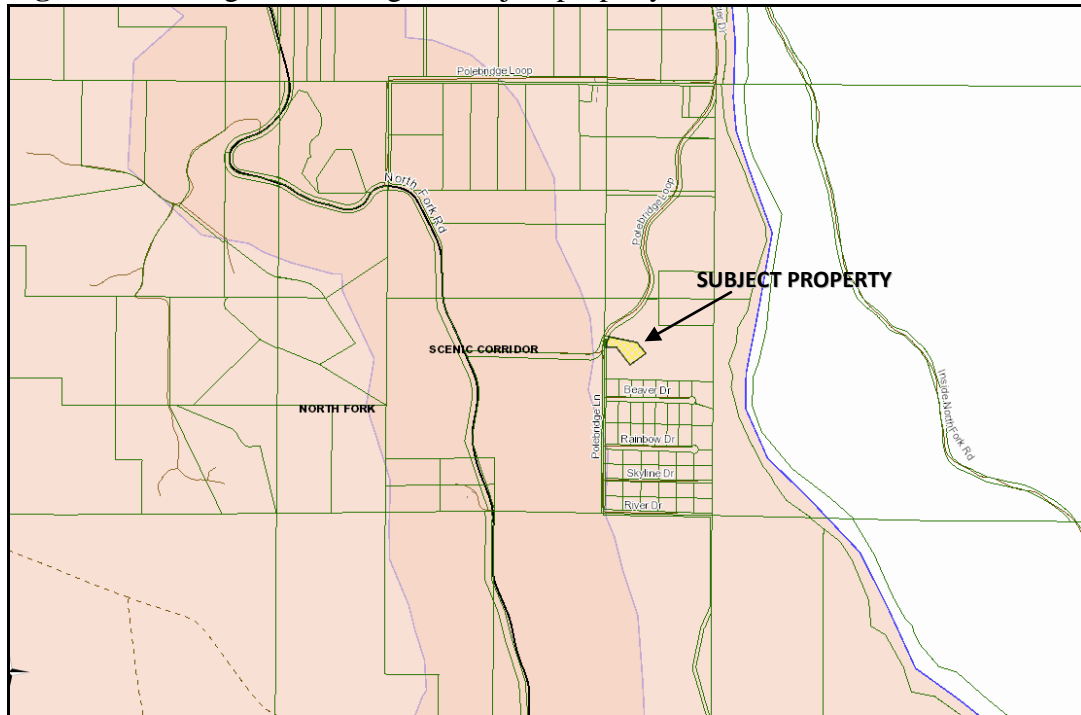
Located within the North Fork zoning district, the property is zoned ‘North Fork’, a district described as follows:

The North Fork Flathead River Valley Land Use Plan adopted in 1987 and updated in 1992 begins by stating, “Those who live or own land in the North Fork of the Flathead River face the prospect of making difficult decisions about the future of this beautiful area.” The final statement of the Plan concludes “it is necessary to put into place a system which will protect the rights of all landowners, resident and non-resident, and also preserve those unique values so important to the North Fork: clean air, pure water, open space, freedom from noise and light pollution.” The following standards are intended to bridge those difficult decisions and give guidance to the area we call “the North Fork”.

D. Adjacent Land Use(s) and Zoning

Adjacent properties and the general area surrounding the subject property are sparsely developed for cabin/residential and limited commercial purposes. Adjacent to the subject property is property developed with the Polebridge Mercantile, a general store/bakery which also provides limited overnight cabin accommodations to visitors. All adjacent properties are zoned as 'North Fork', and the Scenic Corridor Zoning boundary occurs less than 200 feet west of the subject property (see Figure 2 below).

Figure 2: Zoning surrounding the subject property.



E. Summary of Request

The applicant has requested a conditional use permit to allow for operation of a 'tavern' at the established Northern Lights Saloon and Cafe located on the subject property. The established saloon/cafe has previously had the status of a legal non-conforming use relative to applicable zoning requirements, but the status was terminated after the prior tavern use was discontinued for a period exceeding 180 days. The establishment is under new ownership, and they would like to resume operation of the establishment as a saloon which requires a conditional use permit to be obtained, pursuant to Section 2.07.020 Flathead County Zoning Regulations (FCZR), because the saloon element of the business was discontinued for a period of time exceeding 180 days. Associated with this request, the applicants are currently in process of obtaining a new 'Montana All-Alcoholic Beverages With Catering Endorsement License' for the premises of the established Northern Lights Saloon and Cafe from the Montana Department of Revenue.

'Tavern' is listed as a conditional use under North Fork zoning [Section 3.40.030 (13)]; according to the definition, a tavern is *"An establishment used primarily for the*

serving of alcoholic beverages by the drink to the general public and where food or packaged alcoholic beverages may be served or sold only as accessory to the principal use. For the purposes of zoning, casinos are taverns.” [FCZR Section 7.19.005].

Although the definition of tavern includes food service accessory to the serving of alcoholic beverages, the restaurant element of the establishment is currently operable under the status of a pre-existing non-conforming use relative to applicable zoning requirements. The restaurant element of the establishment is not specifically under consideration in this review, however, the business infrastructure and operation is set up for the operation of the saloon and cafe as *integral* elements, and the impacts of each are considered equivalent in regard to the criteria required for consideration of this conditional use permit request.

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on July 7, 2010, pursuant to Section 2.06.040 (3) of the Zoning Regulations. Legal notice of the public hearing on this application will be published in the July 18, 2010 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on June 21, 2010:

- Flathead County Public Works Department
 - Reason: The proposal has the potential to impact County facilities.
- Flathead County Solid Waste
 - Reason: The proposal has the potential to impact County facilities.
- Flathead City-County Health Department
 - Reason: The proposed tavern stand would utilize an existing septic drainfield and the Department has been in correspondence with the applicants regarding compliance with the provisions of the existing license for 1) Eating Establishment and 2) Tavern or Bar.
- Flathead County Office of Emergency Services
 - Reason: The property is located within the department’s jurisdiction for fire protection and emergency response as the location is not within the service area of an established fire district.

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding the proposed tavern. It is therefore anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for August 3, 2010. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- David Prunty, Flathead County Road and Bridge Department
 - No concerns regarding the proposal.
- Kate Cassidy, Environmental Health Services
 - Provided copies of correspondence regarding compliance with provisions of license for 1) Eating Establishment and 2) Tavern or Bar.
 - No comments regarding the proposal at this time.
 - A pre-opening inspection of the restaurant is scheduled for June 29, after which further comments and recommendations will be provided.
- James Chilton, Flathead County Solid Waste District
 - After reviewing the application the Solid Waste District views no negative impact with solid waste issues at this time.
 - The district requires that all solid waste generated at the proposed location be hauled by private hauler; Evergreen Disposal is the licensed Public Service Commission licensed hauler in the area.

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

A. Site Suitability

i. Adequate usable space

The subject property is approximately 2 acres and the tavern would use the existing structure of the Northern Lights Saloon and Cafe, which was established prior to the adoption of the North Fork Zoning District. As indicated on the revised site plan submitted on July 9, 2010, the operable service area of the tavern would include the interior of the saloon with a total of 28 seats distributed among 5 tables and the bar, as well as outdoor seating on the front porch and upon 9 picnic tables situated within a proposed fenced area located around the perimeter of the saloon/cafe. The existing saloon/cafe structure is approximately 944 sq. ft. including the 488 sq. ft. service area and the 456 sq. ft. kitchen area. The building covers less than 2% of the subject property. The saloon/cafe structure is setback from Polebridge Loop Road by approximately 24 feet. Within the North Fork zoning district, new structures are subject to a 100 foot setback from the right of way of a public road, but grandfathered structures are exempt from the requirement (FCZR 3.40.050(6)). Based on the site plan submitted, the location of the structure meets the required setbacks of the district. The remainder of the property appears more than adequate to accommodate other infrastructure needs required of the use.

Finding #1 – The subject property is suitable for the proposed use because there is adequate useable space to accommodate the proposed tavern, and the proposal complies with the applicable bulk and dimensional requirements of the zoning in place.

ii. Adequate access

The subject property is accessed from Polebridge Loop Road which has a gravel driving surface approximately 24 feet in width. The established parking areas are located directly in front of the establishment on each side of the road. Comment received from the Flathead County Road and Bridge Department indicates no concerns with the proposed tavern as related to the public road.

Finding #2 - The site is suitable for the proposed tavern use because the property has direct access onto public Polebridge Loop Road that is able to accommodate the vehicle traffic created as a result of the proposed use.

iii. Absence of environmental constraints

As seen in Figure 1 above, the subject property is currently developed with the saloon/cafe and a residence located on the southern edge of a slough/channel feature which connects to the North Fork Flathead River. The relatively flat subject property is mainly covered with grass/shrub vegetation and a small area of riparian vegetation. Although the site appears to possess floodplain characteristics it is not currently mapped as a special flood hazard area by FEMA. Based upon discussion with Environmental Health Services staff, the property may be subject to seasonally fluctuating groundwater and the existing permitted septic/drainfield system appears to be functioning adequately with no signs of system failure.

Finding #3 – The site contains areas with riparian vegetation and areas which may experience periodic flooding and fluctuating ground water levels; however the site is suitable for the proposed tavern use because there are apparently no environmental constraints which would limit the suitability of the property for the proposed use, as the property is developed for and has historically been used for the proposed tavern purpose, and currently installed infrastructure appears to function adequately.

B. Appropriateness of design

i. Parking scheme

The applicant has proposed ten parking spaces for the proposed tavern to be located in front of the establishment, as indicated on the submitted site plan. The Flathead County Zoning Regulations require 1 parking space per 4 seats for a restaurant, cafeteria or food and beverage establishment, plus one additional space per employee on maximum shift [FCZR Section 6.07.020]. There will be 28 indoor seats associated with the tavern, and the applicant has indicated 2-3 employees would be working at any given time. Therefore the ten parking spaces proposed would be adequate for the proposed use.

Staff notes that parking occurs on each side of the road, and the property on the west side of the road is under separate ownership from the subject property. In order to promote appropriate legal and physical use of parking areas, the applicant should be required as a condition of approval to provide written consent from the adjacent owner for any use of that property for the benefit of patrons of the Northern Lights Saloon and Cafe. In the event the adjacent owner

does not allow continued use of the property for parking by patrons of the Northern Lights Saloon and Cafe, parking should be restricted to on-site locations owned by the applicants.

Finding #4 – The proposed parking location and design is appropriate because adequate space is available for patron and employee parking on and off site, and the number of parking spaces shown on the site plan complies with the applicable parking and loading requirements of the zoning regulations.

ii. Traffic circulation

Vehicle traffic accesses the site using the Polebridge Loop Road via either the North Fork Road or the Inside North Fork Road, and parking areas are located adjacent to the public road. The gravel road is 24 feet wide and parking spaces are proposed to remain as unmarked on the existing gravel surfaces. Comment from Flathead County Road and Bridge Department indicated no concern with existing conditions or the proposal in regard to parking and traffic circulation.

Finding #5 – The proposal is appropriate in regard to parking and traffic circulation because it may be conditioned to provide legal and functional ingress/egress, parking, and traffic circulation that complies with applicable zoning regulations.

iii. Open space

As previously stated, the proposed tavern would cover less than 2% of the subject property, and the majority of the subject property would remain open and undeveloped. There are no performance standards applicable to a tavern in North Fork zoning district, and no requirements to set aside open space as a result of the proposed use. Bulk and dimensional requirements regarding setbacks are not applicable to the proposal because the building legally existed at the time the North Fork zoning district was adopted.

ENTRANCE & EXIT

Finding #6 – There will be adequate open space associated with the proposed tavern because the structure takes up a minimal amount of space on the subject property, no new structure(s) or expansions are anticipated, and because bulk and dimensional setback requirements of the applicable zoning would be applicable to any new structures constructed in the future.

iv. Fencing/screening

Landscaping and improvements on the property are already well established. The applicant has proposed a 3 foot high fence around the perimeter of the saloon/cafe establishment in order to promote safety and compliance with anticipated provisions of the liquor license by delineating the proposed outdoor alcohol consumption area for patrons of the tavern. The fence would be constructed in conformance with the applicable fence height restrictions of the zoning district [Section 3.16.040 (7)].

Finding #7 – The proposed fencing is adequate and acceptable because it will provide for compliance with ‘consumption area’ provisions of the anticipated

liquor license and will comply with the height restrictions of the applicable zoning district.

v. Landscaping

The site already has mature landscaping established and no landscaping is specifically required of the conditional use permit request. The application notes landscaping includes maintaining the existing grass lawn and flower beds.

Finding #8 – Existing and proposed landscaping on the subject property is acceptable because there are no specific requirements for landscaping in the North Fork zoning district, and the applicant is proposing to maintain existing landscaping.

vi. Signage

There is currently minimal signage associated with the Northern Lights Saloon and Cafe, and the submitted application indicates the applicant's desire for a sign in front of the saloon. According to FCZR Section 3.40.040(4) there are no restrictions on signs advertising a business or activity on the property on which it is located.

Finding #9 – Proposed signage for the tavern would be acceptable because there are no restrictions on signs advertising a business or activity on the property on which it is located within the North Fork zoning district.

vii. Lighting

The application indicates the existing establishment uses propane for lighting due to the lack of electricity available in the North Fork area. It is anticipated the tavern would continue to use lighting in an appropriate manner, and any new exterior lighting shall comply with performance standards set forth in FCZR Section 5.12.

Finding #10 – There will be limited visual impacts resulting from Lighting of the proposed tavern because the lighting will be compliant with applicable requirements set forth in the Flathead County Zoning Regulations, and it is anticipated lighting will continue to be used sparingly as it requires the use of imported propane due to lack of available electricity.

C. Availability of Public Services and Facilities

i. Sewer

There are no public sewer services available and the subject property is currently served by an existing permitted septic system. The system was permitted and installed in 1976, and verbal comments from Environmental Health Services staff indicate the system is still functioning adequately. The applicant has recently renovated the restrooms for the tavern. For any changes to the system, the applicant will be required to obtain approval from Environmental Health Services in the Flathead City-County Health Department (FCCHD), as applicable.

ii. Water

There are no public water services available and the subject property is currently served by an existing individual well. As a condition of approval, the tavern will be required to obtain and/or maintain a food service license to operate, and to comply with water quality provisions associated with the food service license.

Finding #11 – The proposed use will have minimal impact on public services and facilities because the tavern would be served by an individual well and septic system and the tavern will be required to undergo review and receive approval from the Flathead City-County Health Department for these utilities and obtain a food service license prior to beginning operations.

iii. Storm Water Drainage

The proposal would not introduce any additional impervious surface area to the subject property as the tavern structure is already established and no expansion is currently anticipated. All stormwater runoff from impervious surfaces on the subject property currently drains into and is absorbed by vegetated surfaces. It is anticipated future stormwater run-off will be similarly managed.

Finding #12 – No public stormwater facilities are available to serve the proposed tavern. Stormwater drainage appears adequately addressed because the proposed use will result in no increase in impervious surface, and runoff can be retained onsite in compliance with applicable regulations.

iv. Fire Protection

The subject property is located outside of an established Rural Fire District service area, and is therefore in the jurisdiction of the Flathead County Office of Emergency Services for fire response. Additionally, Polebridge has a limited volunteer fire response service and the Blankenship Fire District and station is located approximately 25 miles distant. According to materials submitted with the application, the saloon/cafe is equipped with fire extinguishers. It is noted that there is substantial open and cleared area surrounding the subject property to serve as safety area in the event of a fire emergency.

v. Police Protection

The subject property is served by the Flathead County Sheriff's Department. Relatively slow response times would be anticipated given the property's location and distance from the urbanized areas of Columbia Falls and Kalispell.

vi. Streets

The subject property has direct access onto Polebridge Loop Road, a 24 foot wide gravel road within a 60 foot wide easement. Polebridge Loop Road accommodates large amounts of vehicle traffic as it is the most common approach to popular destinations in the North Fork portion Glacier National Park. Regular operation of the proposed tavern is not anticipated to impact the road, as most road use is generated by visitors to the attractions of Glacier National Park.

Finding #13 - Public services and facilities are limited in availability but adequate to serve the proposed use because the subject property is in an area cleared of dense timber and hazardous fire fuels which is served by a volunteer fire response service and the Flathead County Sheriff, and has reasonable year-round access to a public road.

D. Immediate Neighborhood Impact

i. Excessive traffic generation

The application states the tavern will not generate additional traffic to and from the site, but is visited by tourists already traveling to Glacier National Park. This appears to be a reasonable assumption; as it is a commitment to drive the length of the un-paved North Fork road, most traffic seems to be that of tourist visitors. The proposed tavern on the subject property would not generate a significant or quantifiable amount of vehicle traffic but would simply take advantage of the existing traffic en-route to Glacier National Park.

Finding #14 – Excessive amounts of additional vehicle traffic are not anticipated as a result of the proposed use because the tavern’s customer base will draw from existing traffic traveling the North Fork Road to visit Glacier National Park.

ii. Noise or vibration

No excessive noise or vibration will result from regular operations of the proposed tavern. The saloon has previously engaged in an array of semi-regular musical events with outdoor amplified music, which may have been perceived as a nuisance to nearby residents. While the custom to provide music entertainment to patrons is typical of taverns, it is not anticipated that music will be a nuisance as the applicant could limit the amplification and hours of outdoor music.

iii. Dust, glare or heat

The tavern is not anticipated to produce excessive amounts of dust, glare or heat. The applicant has proposed dust mitigation of the gravel surface of the road and parking areas in front of the tavern to address this issue. The saloon/cafe structure is a historic structure of log construction with a metal roof. The roof may produce glare with certain sun angles, but is existing and is not a product of the tavern being permitted.

iv. Smoke, fumes, gas, or odors

Adverse neighborhood impacts due to smoke, fumes, gas or odors are not anticipated as a result of the proposed use. The regular operation of the facility would not likely create any of the above nuisances.

Finding #15 – Impacts to the surrounding neighborhood resulting from the proposed tavern would be acceptable because the use will not generate excessive smoke, fumes, gas, odors, noise or vibration inconsistent with the existing character of surrounding uses and because impacts resulting from dust

will be mitigated by dust mitigation of the gravel surface of the road and parking areas in front of the tavern.

v. Inappropriate hours of operation

As indicated in submitted application materials, business hours for the tavern are proposed to be from 9:00 am. to 2:00 am., consistent with Montana state law for taverns as outlined in M.C.A. 16-3-304. In the event the tavern provides live music entertainment, any outdoor amplified music should be discontinued after a reasonable hour, such as 10 pm in order to not become a nuisance to area residents and visitors.

Finding #16 - The proposed hours of operation would be acceptable and have minimal impact on the surrounding neighborhood if amplified outdoor music was curtailed at a reasonable hour because normal operation of the tavern would not introduce loud noise or activity levels disturbing to the adjacent commercial and residential uses.

V. SUMMARY OF FINDINGS

1. The subject property is suitable for the proposed use because there is adequate useable space to accommodate the proposed tavern, and the proposal complies with the applicable bulk and dimensional requirements of the zoning in place.
2. The site is suitable for the proposed tavern use because the property has direct access onto public Polebridge Loop Road that is able to accommodate the vehicle traffic created as a result of the proposed use.
3. The site contains areas with riparian vegetation and areas which may experience periodic flooding and fluctuating ground water levels; however the site is suitable for the proposed tavern use because there are apparently no environmental constraints which would limit the suitability of the property for the proposed use, as the property is developed for and has historically been used for the proposed tavern purpose, and currently installed infrastructure appears to function adequately.
4. The proposed parking location and design is appropriate because adequate space is available for patron and employee parking on and off site, and the number of parking spaces shown on the site plan complies with the applicable parking and loading requirements of the zoning regulations.
5. The proposal is appropriate in regard to parking and traffic circulation because it may be conditioned to provide legal and functional ingress/egress, parking, and traffic circulation that complies with applicable zoning regulations.
6. There will be adequate open space associated with the proposed tavern because the structure takes up a minimal amount of space on the subject property, no new structure(s) or expansions are anticipated, and because bulk and dimensional setback requirements of the applicable zoning would be applicable to any new structures constructed in the future.
7. The proposed fencing is adequate and acceptable because it will provide for compliance with 'consumption area' provisions of the anticipated liquor license and will comply with the height restrictions of the applicable zoning district.

8. Existing and proposed landscaping on the subject property is acceptable because there are no specific requirements for landscaping in the North Fork zoning district, and the applicant is proposing to maintain existing landscaping.
9. Proposed signage for the tavern would be acceptable because there are no restrictions on signs advertising a business or activity on the property it is located within the North Fork zoning district.
10. There will be limited visual impacts resulting from Lighting of the proposed tavern because the lighting will be compliant with applicable requirements set forth in the Flathead County Zoning Regulations, and it is anticipated lighting will continue to be used sparingly as it requires the use of imported propane due to lack of available electricity.
11. The proposed use will have minimal impact on public services and facilities because the tavern would be served by an individual well and septic system and the tavern will be required to undergo review and receive approval from the Flathead City-County Health Department for these utilities and obtain a food service license prior to beginning operations.
12. No public stormwater facilities are available to serve the proposed tavern. Stormwater drainage appears adequately addressed because the proposed use will result in no increase in impervious surface, and runoff can be retained onsite in compliance with applicable regulations.
13. Public services and facilities are limited in availability but adequate to serve the proposed use because the subject property is in an area cleared of dense timber and hazardous fire fuels which is served by a volunteer fire response service and the Flathead County Sheriff, and has reasonable year-round access to a public road.
14. Excessive amounts of additional vehicle traffic are not anticipated as a result of the proposed use because the tavern's customer base will draw from existing traffic traveling the North Fork Road to visit Glacier National Park.
15. Impacts to the surrounding neighborhood resulting from the proposed tavern would be acceptable because the use will not generate excessive smoke, fumes, gas, odors, noise or vibration inconsistent with the existing character of surrounding uses and because impacts resulting from dust will be mitigated by dust mitigation of the gravel surface of the road and parking areas in front of the tavern.
16. The proposed hours of operation would be acceptable and have minimal impact on the surrounding neighborhood if amplified outdoor music was curtailed at a reasonable hour because normal operation of the tavern would not introduce loud noise or activity levels disturbing to the adjacent commercial and residential uses.

VI. RECOMMENDATION

Upon review and evaluation of this application, the request for a tavern on the subject property is supported by the review criteria and 16 Findings of Fact listed above. Staff therefore recommends that the Flathead County Board of Adjustment adopt staff report FCU-10-14 as findings of fact and approve the conditional use permit, subject to the following 14 conditions:

VII. CONDITIONS

1. The operation of the tavern on the subject property shall be in substantial conformance with the original application and site plan submitted and approved by the Board of Adjustment.
2. Changes or modifications to the approved use(s) or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment.
3. The approved use shall conform to the applicable development standards of the North Fork zoning district [FCZR Section 3.40.040].
4. A minimum of 10 standard vehicle parking spaces shall be clearly established on the subject or adjacent property to accommodate visitor and employee traffic generated by the tavern, in accordance with applicable zoning regulations [FCZR Sections 6.01.010, 6.07.020], and legal written consent shall be obtained from the adjacent landowner(s) for any tavern parking established on adjacent property.
5. All signage on the subject property shall comply with all applicable standards and guidelines set forth under Section 3.40.040 of the Flathead County Zoning Regulations.
6. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
7. The applicant shall adhere to all applicable Montana State commercial building requirements as required by the Montana Bureau of Labor and Industry.
8. The proposed tavern shall obtain a Montana All-Alcoholic Beverages License from the Montana Department of Revenue, as applicable, prior to operation of the tavern. Documentation confirming the completion of this requirement shall be available upon request.
9. Outdoor consumption of alcohol by patrons of the tavern shall occur only in areas specifically permitted under the applicable Montana All-Alcoholic Beverages License, and the tavern operation shall adhere to all applicable fencing/access requirements of that license.
10. The proposed tavern shall obtain a food service license from Environmental Health Services, as applicable, prior to operation of the tavern. Documentation confirming the completion of this requirement shall be available upon request.
11. Outdoor amplified music/entertainment shall not extend beyond 10:00 PM.
12. Hours of operation for the tavern shall be permitted from 9:00 AM to 2:00 AM seven days a week year round.
13. The operation of the tavern shall commence within one year from the date of issuance of the conditional use permit. The permit may be extended for one additional year if the permittee requests additional time prior to expiration date.